

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Brian Colella,

Plaintiff,

-against-

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

New York City Fire Department, City of New York, and 09 Civ. 5258 (ARR) (LB)
Dominick Moretti, in his individual capacity and as
Supervisor, FDNY,

Defendants.

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PLEASE TAKE NOTICE that, upon defendants Statement of Undisputed Facts pursuant to Rule 56.1 of the Local Rules of this Court, dated June 10, 2011; the Declaration of Assistant Corporation Counsel Alicia H. Welch, dated June 10, 2011, and the exhibits annexed thereto; the Declaration of Dominick Moretti, dated June 9, 2011; the Declaration of Patrick Damas, dated June 3, 2011; the accompanying Memorandum of Law in Support of Defendants' Motion for Summary Judgment, dated June 10, 2011, and upon all other pleadings and proceedings herein, defendant will move this Court, at the United States District Court for the Eastern District Court of New York, located at 225 Cadman Plaza East, Brooklyn, NY, 11201, before the Honorable Allyne Ross, at a time and date to be determined by the Court for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting defendants complete summary judgment dismissing all claims in this action.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Court's Order, dated April 27, 2011, plaintiff's opposition papers must be served on or before July 22, 2011 and defendants' reply papers and the fully briefed motion are to be submitted to the Court no later than August 5, 2011.

Dated: New York, New York
June 10, 2011

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By: /s/
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Docket No. 09 Civ. 5258 (ARR) (LB)

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Defendants.

**DEFENDANTS' NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

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Of Counsel: Alicia H. Welch

Tel: (212) 788-6760

Law Manager No.: 2009-047393

Due and timely service is hereby admitted

New York, N.Y., 200 . . .

..... Esq.

Attorney for